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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

JAN 2 - 2019

U.S. DISTRICT COURT
GREENVILLE, S.C.

Jerome E. Todd
Plaintiff

CASE No. _____

v

THE UNITED STATES OF AMERICA
(USA) Defendants

COMPLAINT PURSUANT TO BIG TUCKER ACT -

TAKINGS CLAIM THAT RELATES BACK TO

16-1678C ATTACHED HERewith SELF-STAMP

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OF INMATE MAILING.

This Complaint is being brought in reference to case
number 16-1678C^{also} because the plaintiff had to wait until

the regulatory process was completed in order to file

suit, and to know as to what extent in damages that

was inherently unknowable at the accrual date when

the U.S. Marshals Service had entered into physical possession -

constituting the permanent, regulatory and judicial takings (Fifth Amend).

28 U.S.C. §§ 2501 and 1491(a)(2) - 28 C.F.R. § 0.77(i)(1)(j)(k) and (l) ⁰ 6:17-cv-02696-DC

The filings of pro se litigants are held to less stringent standards than

formal pleadings drafted by lawyers *Nascher v. United States*, 82 Fed. Cl. 319, 320 (2008).

A. Fifth Amendment Takings Claim

A six-year statute of limitations governs

Claims before the U.S. Court of Fed.

Claims. 28 U.S.C. § 2501. A claim under the Fifth Amendment to the U.S. Constitution

accrues when a taking action occurs.

Generally, such a taking occurs when the Government deprives an owner of the use of his or her property. A permanent takings claim arises when (1) all the events which fix the Government's liability have occurred and (2) the plaintiff knew or should have known about the existence of those events.

B. COMPLAINT

This complaint is being brought within the six-year statute of limitations period pursuant to 28 U.S.C. § 2501, by way of invoking the

accrual suspension rule -- that is to be strictly and narrowly applied to the following events -- which gives rise to the plaintiff's entitlement to compensation and interest.

C. " The defendant United States, had concealed its ministerial acts authorized by congressional statute (i.e. an Act of Congress) -- that the named plaintiff was unaware of their existence in the State of Florida -- in Civil case number 5:13-cv-00160-MP-EMT; Document

14, dated and filed on 06/05/13. JEROME EUGENE TODD, [Petitioner] vs. N.C. ENGLISH, WARDEN, [Respondent]; and --

D. ²¹ that the injury of that concealed information was inherently unknowable at the accrual date -- until the executive regulatory process of the agency's Federal Bureau of Prisons' rulemaking policy;

LEAVE AND BENEFITS (approved Feb 1, 2017),
 2nd Trust Fund/Deposit Fund Manual (approved
 March 14, 2018) had ended.

E. As a result, the U.S. Marshals Services' (USMS), had entered into physical possession, in the U.S. District Court, civil case number: 6:17-cv-02696-ncc at docket number 62-1, constituting the permanent, regulatory, and judicial takings... in the district court's orders, at docket "entry" number "62", so as to deprive the plaintiff of use of his property, given rise to the plaintiff's claim of entitlement to "sue" for his money in the Federal Court of Claims: (28 U.S.C. 1491(a)(2)).

F. Plaintiff claims that "all" of the events have occurred... in invoking the accrual suspension rule, which fix the Fed. Government's liability --

because the plaintiff had to "wait" to actually file suit, until the executive regulatory process -- of First, the agency's "LEAVE AND BENEFITS" policy, that of which began on February 1, 2017; then, the agency's "Trust Fund / Deposit Fund Manual" which ended on March 14, 2018, was complete; triggering the accrual date of the "single" permanent regulatory and judicial takings -- when the U.S. Marshals Service entered into the physical possession on March 28, 2018, in the U.S. District Court, District of South Carolina, Greenville, in civil case number, 6:17-cv-02696-VCC- docket number 62-1.

G. The Takings Clause of the Fifth Amendment provides, in part, that private property shall not be taken for public use without just compensation." U.S. Const. 5th Amend.

V, cl.4 We have developed a two-part test to determine whether a taking has occurred. First, we must determine whether the claimant has established a property interest for purposes of the Fifth Amend.

Adams v. U.S., 391 F.3d 1212, 1218 (Fed Cir. 2004).

"It is axiomatic that only persons with a valid property interest at the time of the taking are entitled to compensation." Am. Pelagic Fishing Co., L.P. v. United States, 379 F.3d 1363, 1372

(Fed. Cir. 2004) Second, if the court identifies a valid property interest, it must determine "whether the governmental action at issue amounted to a compensable taking of that property interest." Id.

H. "Case-by-case approach"

Because the plaintiff had to wait until

the agency Federal Bureau of Prisons' regulatory process ended to file suit --- to know the extent of damages, the plaintiff, and as "shown" -- when the U.S.M.S had entered into physical possession --- has a superior legal interest - / of the "stick-in-the bundle of property rights" - that's separate and distinct of the agency's Trust Fund / Deposit Fund Manual --- that of which information was concealed and inherently unknowable on the date of the single physical and permanent taking. - depriving the plaintiff of use of his property / rights (i.e. a "Trust")

I. Big Tucker Act 28 U.S.C. § 1491(a)(2)

Plaintiff's complaint is "couched" under the Big Tucker Act, seeking non-monetary relief - that's incident to and collateral to a monetary judgment --- a separate substantive law, founded upon the executive department's regulation - codified at 28 C.F.R. § 0.22(i), (j), (k), and (n). / Fifth Amend. "Takings Clause".

Plaintiff asserts that now that all the events have occurred to fix the United States liability -- plaintiff seeks to be placed in retirement status -- as discharged, the correctness of records, and his entitlement to Demand the sum certain of \$ 2 Billion in Damages -- pursuant to 28 U.S.C. § 1491(a)(2).
Relief Sought "Damages" \$ 2 Billion / Subpoena power

If, at the time that this action is timely filed within the six-year statute of limitations period -- that this court lacks subpoena power over the "subject-matter," let it be that the court properly find it is in the best interest of justice, to transfer this filed action - / "Notice," for want of jurisdiction to the Federal Court of Claims -- for specific performance / and subpoena power - of damages 28 U.S.C. §§ 1631 and 1491(a)(2) - (§ 2501). - To provide an entire remedy.

B. Further Relief:

Furthermore, 'A municipality is liable under 42 U.S.C. § 1983 where an official policy causes a constitutional violation. A plaintiff has two methods by which to establish a municipality's policy: identify either (1) an officially promulgated policy or (2) an unofficial custom or practice shown through the repeated acts of a final policymaker for the municipality. Liability may be established by acquiescence in a longstanding practice or custom which constitutes the standard operating procedure of the local governmental entity."

Thereby, the plaintiff asserts that in civil case number 6:17-cv-02696-DCC, the municipality's [the court] liability under section 1983-

~~the~~ ~~copies~~ of its ~~official~~ -
 custom policy, as "shown" through-out
 the certified copy docket sheet entries;
 requiring a response due within Fourteen
 (14) days "repeatedly" which constituted
 the standard operating procedure of the
 municipality... had partaken in the
 USMS entering into physical possession... of
 the actual date in the "single" taking... on
 March 28, 2018, that was authorized by law...
 pursuant to an Act of Congress, requiring compensation...
 as to private property (being taking for public-use)...
 as shown at civil docket entry number 62-162-1...
 E.F.H. Amendment specific provision ("Takings Clause").

12-22-18

DATE

10 of 11

Jerome E. Told
 Jerome E. Told

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

Jerome Todd, Plaintiff

v.

CASE No.

THE UNITED STATES, Defendant

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JAN 2 - 2019

U.S. DISTRICT COURT
GREENVILLE, S.C.

I am inmate confined in an institution.

Today, 12-27-18, I am depositing the COMPLAINT Pursuant TO
EMERGENCY REQUEST FOR ID CARD RETURNED

~~PLAINT~~ ~~TUCKER ACT~~ TAKING CLAIM THAT RELATES BACK TO 196678 CAPTIONED ~~SELF~~ ~~STAMP~~ IN this case

In the institution's internal legal mail system. First-class postage is being prepaid by me or by the institution on my behalf.

I declare under penalty of perjury that the foregoing is true and correct (see 28 U.S.C. § 1746; 18 U.S.C. § 1621)

Sign your name here

Signed on 12-27-18

Jerome E. Todd

Note to inmate filers: If your institution has a system designed for legal mail, you must use that system in order to receive the timing benefit of Fed. R. App. P. 4(c)(1) or Fed. R. App. P. 25(c)(2)(f).

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury
 (28 U.S.C. 1746) that I caused to be placed on
 this 27th day of December 2018, by First-class
 pre-paid postage affixed thereto, 2 hand written copy
 of "COMPLAINT PURSUANT TO BIG TUCKER ACT-TAKINGS
CLAIM THAT RELATES BACK TO 16-1628C ATTACHED HEREWITH SELF-
STAMP ENVELOPE REQUEST FILED COPY RETURNED DECLARATION OF INMATE
MAILING ATTACHED. hand delivered to 2 Federal
 employee at FCI Estill's legal mail system office
 to be forwarded as follows:

Clerk of Court
 U.S. District Court
 300 EAST WASHINGTON STREET
 Room 239
 Greenville S.C. 29601

Jerome E. Fall
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